

**ARKANSAS PROFESSIONAL BAIL BOND COMPANY AND PROFESSIONAL
BAIL BONDSMAN LICENSING BOARD
January 13, 2006**

Chairman Don Smith called the meeting to order at 9:00 a.m.

Roll call was taken. The following members were present: Don Smith, Frank Sturgeon, Marc Oudin, Eugene Reynolds, Phyllis Carruth, and Rex Morris. Also present were Assistant Attorney General Chilesa Ready; Executive Director, Tommy Reed; Board staff and members of the audience.

Following a review of the Board Minutes for December 2, 2005, Mr. Oudin moved to approve the minutes as corrected. Mr. Sturgeon seconded. The motion carried on unanimous voice vote.

OLD BUSINESS

Transfers/Suspensions/Reinstatements:

A report was provided for information purposes: There were no transfer request submitted and none approved during the month. There were five (5) agent terminations by the notice from the bond company and one (1) agent resignation. There was one (1) agent suspension by notice from the bond company.

Forfeitures - Open:

The Open Forfeiture Report was presented. The Chair invited comment or discussion; Mr. Reynolds commented concerning bond forfeitures of Renny's Bail Bonds. There being no further comment or discussion, the Chair opened the floor for motions. Ms. Carruth moved to suspend those licensees whose forfeitures were not timely paid between January 13, 2006 and the February board meeting. Mr. Sturgeon seconded. The motion carried on unanimous voice vote.

Past Due Forfeitures:

The Past Due Forfeiture Report was presented for review. The Chair invited questions, comments or discussion. Mr. Reed noted he had included a sample letter to be sent to bond companies in instances where judgments had been appealed or there was a pending motion to set aside the judgments. He further noted that the letter required the company to provide a file-marked copy of an order staying execution or superseded order. He explained this was in response to the large number of motions to set aside the Board had recently received. He asked for Board approval to send the letter. Mr. Oudin voiced approval, as did the Chair. There were no further comments and the Board proceeded.

Appeal Update - #02-033, APBBLB v. Ron Oliver/First Arkansas Bail Bonds, Inc.

The decision of the Board imposing a three month suspension of the company license based on Ron Oliver's failure to respond to Board requests concerning complaints was reduced by Pulaski County Circuit Court, Seventh Division to an administrative fine of \$500 based on the Court's finding that the Board's decision was unduly harsh considering the respondent's admission, the subsequent resolution of the complaints, the economic effect on the licensee and the disruption to the judicial system. Ms. Carruth noted the date of the decision and asked Ms. Ready to determine whether the Board could appeal the decision. A motion by Ms. Carruth to appeal the Court's decision died for lack of a second

1 **Consent Agreement – #05-011 APBBLB/Elliot v. Manuel Bail Bond, et al**

2 A consent agreement was presented for Board approval. After discussion of the terms of the
3 agreement and issues surrounding the complaint, Mr. Sturgeon moved that the consent agreement
4 be accepted. Mr. Reynolds seconded. The motion carried on unanimous voice vote.

5
6 **Notice of Appeal - #05-029 APBBLB v. Liz & Stan Bail Bond, Inc., et al**

7 Stan and Sue Wood have appealed the Board's revocation of their license. The record has been
8 ordered and is to be tendered to court by February 6, 2006. A hearing schedule will then be set.

9
10 **Forfeiture Process – Clerks/Administrative Office of the Courts**

11 Mr. Reed reported he had contacted the Administrative Office of the Courts for the purpose of
12 obtaining information concerning the forfeiture process on bail bonds provided to clerks by the
13 Administrative Office of the Court. He provided the Board with copies of information provided to
14 district clerks but advised there was no such information provided to circuit clerks. There was
15 some discussion of efforts to assist clerks in understanding their role in the process.

16
17 **NEW BUSINESS**

18
19 **December Vouchers Paid**

20 A report of payments made in December was provided for information purposes. Chairman Smith
21 invited questions and/or discussion regarding the vouchers paid.. There were no questions or
22 comments and the Board proceeded.

23
24 **License Approvals:**

25 Two (2) bondsman license applications and three (3) tentative bondsman applications were
26 submitted for Board approval. Mr. Sturgeon moved to approve those applications as presented,
27 pending receipt of necessary documentation. Mr. Oudin seconded. The Chair called for
28 discussion or comments; hearing none, the matter was put to a vote. The motion carried with none
29 opposed.

30
31 Gary Edwards was recognized by the Chair and inquired whether the Board would consider a
32 change in regulations to provide a process whereby an agent whose license was not renewed and
33 who had not been given notice by the bond company his license would not be renewed could
34 renew the license without starting the application process from the beginning. There was
35 considerable discussion between the Board and members of the public audience concerning the
36 issue. Mr. Oudin moved that Mr. Reed draft amendments to the rule and, at the appropriate time,
37 set the matter for public hearing. Mr. Reynolds seconded. The matter carried on voice vote with
38 one opposed.

39
40 **Donna's Bail Bonds – Request for Return of Certificate of Deposit**

41 Mr. Reed advised the Board that a properly completed application had been submitted indicating
42 the business structure of the company had changed from partnership to a corporation. He advised
43 there were no new owners, officers or directors not previously approved by the Board.

44
45 The Board was provided information regarding the return of a certificate of deposit held by the
46 Board for the licensee. It was noted that the licensee had two certificates of deposit on file and
47 that return of this certificate would not cause the company's unsecured liability limit to be
48 exceeded. The Chair invited comments and discussion. After discussion, Mr. Oudin moved to
49 approve the release of the certificate of deposit. Ms. Carruth seconded. The motion carried on
50 unanimous voice vote.

1 **Pearson Bail Bonds, Inc. – Request for Return of Certificate of Deposit**

2 The Board was provided information regarding the return of the certificate of deposit held by the
3 Board for the licensee. The Chair invited comments and discussion. After considerable
4 discussion, Mr. Oudin moved to approve the release of the certificate of deposit. Mr. Sturgeon
5 seconded. The motion carried on voice vote with one opposed.
6

7 **Memo re: Request to Increase Fleet Size**

8 The Board was provided a copy of a letter to be sent to Governor Huckabee requesting and
9 justifying an increase in fleet size to two vehicles. The Chair invited comments and/or discussion;
10 hearing none, the Board proceeded.
11

12 **Hearings**

13 **In the Matter of: APBBLB #05-030 Renny's Bail Bond Company, Inc. v. Darrick Handy**

14 Mr. Reed advised that the parties had jointly requested a continuance; therefore the matter was
15 continued to the February meeting.
16

17 **In the Matter of: APBBLB #05-036 David Lucas, Jackson Co. Sheriff v. Robin Jagers/Big**
18 **Daddy Bail Bonds, Inc.**

19 Mr. Reed advised that the parties had reached a consent agreement and related the terms of such
20 agreement. He requested the Board approve the agreement. The Chair invited comments and/or
21 discussion. After discussion, Mr. Oudin moved to accept the consent agreement. Mr. Reynolds
22 seconded. The motion carried on unanimous voice vote.
23

24 **Public Comments:**

25 Chairman Smith opened the floor for public comments. Dan Hancock advised the Board he and
26 his client, Jeff Darling were present for the purpose of taking testimony in the Liz & Stan Bail
27 Bond matter. Mr. Reed advised he had not received a written request from Mr. Darling or his
28 counsel to be placed on the agenda; therefore, no court reporter had been arranged for that
29 purpose. After discussion of the matter it was determined that Mr. Hancock should submit a
30 written request to be on the February agenda for the purpose of taking Mr. Darling's testimony.
31

32 Submitted for approval: This 10th day of February 2006, _____
33 Don Smith, Chairman